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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,279	12/06/2001	Robert M. Ransom	WEC-104-A	5519

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Marshall G. MacFarlane
YOUNG & BASILE, P.C.
3001 W. Big Beaver, Suite 624
Troy, MI 48084-3107

EXAMINER

CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,279

Applicant(s)

RANSOM ET AL.

Examiner

Robert J Canfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/06/01 w/corrected sheets of 7/07/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 01/22/2004. Claims 1-8 remain pending.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no mention of a non self-supporting covering.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to describe what is meant by a non self-supporting covering.

5. Claim 4 is objected to because of the following informalities: "support elements" plural lack a proper antecedent basis. Only a support element is recited in claim 1 from which claim 4 depends. Appropriate correction is required.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,067,346 to Husted.

Husted provides a collapsible frame 15-20 and a flexible covering 21 surrounding the frame 15-20 and defining a walled enclosure. The covering 21 is supported on the frame and as such is believed to meet the limitation “non-self-supporting”. The covering 21 is provided with interior and exterior surfaces with different visible patterns (col. 5 lines 25+) and is reversibly attachable to the frame 15-20.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,323,605 to Rush in view of applicant's admission of prior art.

Rush provides an enclosure 10 and a removable flexible camouflaged sheet 20 attachable to the enclosure 10 which surrounds and covers substantially all of the

enclosure exterior. The sheet 20 is supported on the structure 10 and as such is believed to meet the limitation of "non self-supporting".

Rush fails to specifically recite that the enclosure 10 includes a support element. Claim 1 is written in Jepson format with the portable enclosure having a support element being recited in the preamble of the claim suggesting the admission of portable enclosures having support elements as prior art.

It would have been obvious at the time of the invention to one having ordinary skill in the art to have used a camouflaged sheet 20 having a first visible pattern to substantially surround and cover a portable enclosure of the prior art type including a support element as Rush discloses use of the sheet 20 with generic structures which contain equipment or personnel.

10. Claims 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,323,605 to Rush in view of applicant's admission of prior art as noted above, further in view of U.S. Patent 4,067,346 to Husted.

Rush as modified above provides each of the elements of these claims except that the covering 20 is reversible and provided with a second pattern on a second side.

Husted teaches that it was known at the time of the invention to provide camouflaged coverings with patterns on each side to make them reversible and thereby provide two different patterns which may be used interchangeably.

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It would have been obvious at the time of the invention to one having ordinary skill in the art to have provided the covering 20 of Rush with a pattern on each side so as to make the covering reversible to have two different camouflages available.

As to claim 3, the examiner takes Official Notice that it would have been obvious at the time of the invention to have provided the enclosure/structure 10 of Rush with a visible pattern such by painting it. It is well known in the building arts that structures may be painted to protect the structure from the elements as well as for aesthetic reasons. It would have been nothing other than an obvious choice of design to have painted a first visible pattern on the structure 10 of Rush to one having ordinary skill in the art to protect the structure from the elements as well as for aesthetic reasons.

11. Claim 8 is allowed.

12. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Coverings for enclosures with visible patterns are listed on the attached PTO-892 form.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J Canfield whose telephone number is 703-308-2482. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Canfield
Primary Examiner
Art Unit 3635

